761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: June 6, 2008

OFFICE CORRESPONDENCE FILE NO. SH2208192

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: PAUL L. PIETRANTONI, CAPTAIN
OPERATION SAFE STREETS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS NON-HIT SHOOTING**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on November 9, 2007.

The Committee met on June 5, 2008 and consisted of me and Commanders Marilyn E. Baker (Leadership and Training Division) and Stephen Johnson (Custody Operations Division). The Committee determined the use of force by Deputy Joel Flores #[redacted] and Deputy Edmundo Torres #[redacted] was within Department policy.

Please advise the deputies of this finding.

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NOTED

EBS:MOT:mt

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Copy of East Los Angeles Station PM Shift In-Service for 11-09-07
Training Records, Weapons Qualifications Records and Assignment Cards for Involved Deputies

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 11/09/07	Bureau/Station/Facility: Field Operations Region II/ S.S.B.	Admin. Invest.? ☐	Hit? ☐

Incident Information

URN: 007-13565-0277-055	Date: 11/09/07 Time: 2015 hours
City or Station: East Los Angeles, CA.	Nature of Incident: Deputies contacted gang members in front of [redacted] E. 3rd St. One male dropped a hand gun. He fled W/B on foot. Another male in the group fled E/B on foot. Deputies recovered weapon then followed male who ran E/B. The male turned toward Deputy Flores and pointed a handgun. Both Flores and Torres in fear for their lives, fired their weapons at the suspect missing him. He fled E/B out of sight. Flores fired (3) times, Torres fired (2) times.
Location: [redacted] East 3rd Street	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, **Parking Lot**, Residence, Rural, School, Street, Other: ______

Lighting (*circle only one*): **Darkness**, Daylight, Other, Street Lights

Weather (*circle only one*): **Clear**, Cloudy, Fog, Rain

Distance: 20 feet

Incident Type (*circle one or more*): Accidental, **Armed Person**, **Fleeing Suspect**, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: Ped. Stop

Initiated by (*circle only one*): Arrest Warrant, Call, **Observation**, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol**

Total # of Shots Fired by Deputy: 5

Total # of Shots Fired by Suspect: 0

Aero Unit? ☐ Canine Unit? ☐

(Circled options shown in bold.)

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]	First Name [redacted]	M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph [redacted] Home Ph [redacted]
Last Name [redacted]	First Name [redacted]	M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph [redacted] Home Ph [redacted]
Last Name [redacted]	First Name [redacted]	M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph [redacted] Home Ph [redacted]

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Fernandez	Anna	C.	**On Duty**, Present during shooting, Witness to shooting, Involved in shooting
			R.	On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Sheldon	Ralph	E.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Arthur-Parra	Linda	

PSTD Use Only

SH # ________________

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
11/09/07	2215 Hours		

Employee #	Last Name	First Name	M.I
[redacted]	Slawson	Don	M.
[redacted]	Ramirez	Jack	H.
[redacted]	Quichocho	Frank	F.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious

(RM) Refused Med Treatment

(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED (one code per block)

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FH	ZZ	WW			NN	
E#1	S#1	FH	BR	9	Y	Y	NN	
E#2	S#1	FH	BR	9	Y	Y	NN	



Officer Involved Shooting
Involved Employee Information

URN: 007-13565-0277-055

Involved Employee

E 1

Employee # [redacted]	Last Name: Flores	First Name: Joel	M.I.
Sex: M Race: H.	Rank: Deputy Sheriff	Unit Assignment: O.S.S.	Work Assignment (Unit #, Module, etc.): 20G2
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): Regular (Overtime) Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting: 6-8 Hours	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, (Raid Jacket no Vest), Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: 6-0 Weight: 225		
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 1
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 2

Employee # [redacted]	Last Name: Torres	First Name: Edmundo	M.I.
Sex: M Race: H.	Rank: Deputy Sheriff	Unit Assignment: O.S.S.	Work Assignment (Unit #, Module, etc.): 20G2
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): Regular (Overtime) Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting: 6-8 Hours	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, (Raid Jacket no Vest), Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: 508 Weight: 170		
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 2
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Other Factors:
Age:	Height: Weight:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.



Officer Involved Shooting Suspect Information

URN: 007-13565-0277-055

Suspect Information

S 1

Last Name: Gonzalez		First Name: Nathan	M.I.:
AKA Last Name: Chip		First Name:	M.I.:
Sex: M Race: Hispanic	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone:	Social Security #:	Driver's License #: [redacted]
Age: 20 D.O.B. 09-01-87	Height: 508 Weight: 170	FBI #: [redacted]	CII #: [redacted]
Booking #: 1057024	Primary Charge: 245 (d) (1) P.C.	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: N/A		Model:	Year:

S 2

Last Name: Andrade		First Name: Marvin	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: M Race:	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #:	Driver's License #: [redacted]
Age: 24 D.O.B. 03-29-83	Height: 602 Weight: 240	FBI #: [redacted]	CII #: [redacted]
Booking #: 1052951	Primary Charge: 12021 (a) (1) P.C.	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☐	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: N/A		Model:	Year:

S __

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S __

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

NO HIT SHOOTING
EVALUATION

UNIT:	Safe Streets Bureau
DATE:	November 9, 2007
TIME:	2015 hours
LOCATION:	[redacted] East 3rd Street, Los Angeles, CA 90022
URN#:	007-13565-0277-055
IAB#:	SH2208192

NATURE OF
INCIDENT: Sergeants Jack Ramirez, Frank Quichocho and Lieutenant Don Slawson of the Internal Affairs Bureau responded to the unincorporated area of Los Angeles to investigate a deputy-involved non-hit shooting. The shooting involved two deputies assigned to the Safe Streets Bureau.

The summary of this incident is based on information obtained from interviews of the involved employees by East Los Angeles O.S.S. Investigators, as well as Internal Affairs Bureau interviews of the deputies, and reports prepared by the deputies.

Deputies Torres and Flores were working Operation Safe Streets Bureau, unit 20G2, in East Los Angeles Station's area. They had just completed citing a juvenile, unrelated to this incident, and placed him in the rear of their patrol vehicle for transport home. As they were driving east on 3rd street approaching the 60 freeway, they noticed several individuals who they recognized as gang members standing in front of the location. As the deputies drew closer to them, they illuminated them with their vehicle's spotlights.

At that time, one individual (later identified as Suspect Andrade) withdrew a pistol from his waistband area and dropped the gun to the ground. Suspect Andrade then ran west on 3rd street away from the deputies. Simultaneous to Suspect Andrade's actions, a second member of the group turned and began running east through a dirt lot full of cars toward the 60 Freeway. As this suspect began running he reached into his waistband and drew a pistol.

COMPLETED BY: Sergeant Jack Ramirez, Internal Affairs Bureau
DATE: February 8, 2008

The two deputies immediately stopped and exited their patrol vehicle and ordered the second suspect to stop and drop his weapon. The suspect continued to run as the deputies moved away from their vehicle. Deputy Flores moved behind several vehicles to his south in the dirt parking lot, while Deputy Torres moved behind some vehicles to his east in the dirt lot. As the suspect reached a hole in the fence separating the dirt lot from the freeway, he turned and pointed his weapon in the direction of Deputy Flores. Both deputies then fired at the suspect missing him. The suspect then passed through the hole in the fence, ran up the embankment and east along the westbound lanes of the freeway out of sight.

A containment of the area was established and during the subsequent search, Suspect Andrade was located hiding under some plywood and bitten by a Department canine (The bite review will be handled by SEB personnel). The handgun discarded by Suspect Andrade was recovered at the scene.

INVOLVED PERSONNEL:

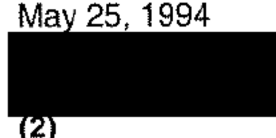
FLORES, Joel, Deputy Sheriff #[redacted]
Safe Streets Bureau, Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment:	November 21, 1989
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	
Prior Shooting Incidents:	(1) 05-21-00, ELA, **SH2013164**, Armed Person,
Prior Founded Force Incidents:	[redacted]

TORRES, Edmundo, Deputy Sheriff #[redacted]
Safe Streets Bureau, Field Operations II

EMPLOYEE WORK HISTORY:

Date of Employment:	May 25, 1994
Date assigned to Patrol:	 [redacted]
Completed Patrol Training:	
Prior Shooting Incidents:	**(2)** 01-26-06, OSS, **SH2163787,** Armed Person, Traffic Stop, Vehicle Pursuit 05-18-06, OSS, **SH2171789,** Armed Person, Vehicle Pursuit
Prior Founded Force Incidents:	 [redacted]

SUSPECT(S):

Gonzalez, Nathan, MH/20 yrs. DOB 09-01-1987, 509, 180 lbs., brown/brown
[redacted]

Booking #1057024 C.I.I. #[redacted]**Main #**[redacted]**FBI #**[redacted]

Suspect Gonzalez' criminal history consists [redacted]

Andrade, Marvin, MH/24 yrs. DOB: 03-29-1983, 602, 240 lbs., black/brown
[redacted]

Booking #1052951 C.I.I. #[redacted]**Main #**[redacted]**FBI #**[redacted]

Suspect Andrade's criminal history consists [redacted]

Refer to Exhibit C for Suspect's Gonzalez' and Andrade's Criminal History.

INVOLVED DEPUTY WITNESSES:

None

NON-DEPARTMENT WITNESSES:

1. [redacted] **MH/17,** [redacted]

2. [redacted] **MH/30,** [redacted]

3. [redacted] **FH/35,** [redacted]

INJURIES:

Suspect

Suspect Andrade was transported to East Los Angeles Doctor's Hospital. Dr. Dissanayake treated him for K9 punctures to his left side and upper buttocks area. He was cleared for booking and transported to the East Los Angeles Sheriff's Station.

Deputy Personnel

No Deputy personnel were injured in the incident.

WEATHER AND LIGHTING CONDITIONS:

This incident occurred during the hours of darkness. The weather was cool and clear. There were street lights positioned along the sidewalk area. The area was also illuminated by patrol car headlights and spotlights.

WEAPONS USED BY SUSPECT:

Suspect Gonzalez' weapon was described as a black semi automatic hand gun N.F.D. Suspect Andrade's weapon was a Smith and Wesson 40 caliber.

WEAPONS USED BY DEPUTY PERSONNEL:

DEPUTY JOEL FLORES

Service Weapon- Beretta 92F (Serial Number [redacted] Double Action Semiautomatic Pistol, 9mm Luger.
Type Of Ammunition- Winchester Ranger SXT 9mm Luger ammunition.
Ammunition- Two rounds fired and fourteen left in the magazine.
Shell Casings- Two 9mm shell casings located at the scene.
Date Employee Last Qualified: (Mobile Range): [redacted]
Date Last Trained With weapon:

DEPUTY EDMUNDO TORRES
Service Weapon- Beretta, 92F (Serial Number [redacted], Double Action Semiautomatic Pistol, 9mm Luger
Type Of Ammunition- Winchester Ranger SXT 9mm Luger ammunition.
Ammunition- Three rounds fired and thirteen left in the magazine.
Shell Casings- Three 9mm shell casings were located at the scene.
Date Employee Last Qualified: (Mobile Range): [redacted]
Date Last Trained With Weapon:

All weapons were examined, test fired, and found to be functional by Firearms Examiner David Kim #[redacted] **Lab Receipt's Numbers J939750 and J939749** Los Angeles County Sheriff's Department- Scientific Services Bureau, Firearms Identification Section (**Refer to Exhibit D)**

INVOLVED DEPUTY (S) STATEMENTS:

Deputy Joel Flores, #[redacted] was interviewed by Internal Affairs Bureau on December 19, 2007. The interview is summarized as follows:

Deputy Flores said he and Deputy Torres were driving eastbound on 3rd Street in an unmarked patrol car, he said they were transporting Witness [redacted] home. He said they saw two males and a female standing near the south sidewalk, just east of [redacted] ([redacted]. He said there was an additional two males standing in the driveway just east of the first group. He said the location is a known hangout for the Arizona Maravilla street gang.

> **I.A.B. Deputy Flores and Torres are assigned to Safe Streets Bureau gang unit at East Los Angeles station and are familiar with the gangs in the station area.**

Deputy Flores said he recognized Suspect Andrade as an Arizona Maravilla gang member with the moniker of Capone. He said he knew Andrade was on active parole and is currently employed at [redacted]. He said as Suspect Andrade recognized their presence, he immediately reached into his waistband with his right hand and turned towards the other two males, who were standing just east of him. Deputy Flores said as he is exited the passenger side of their unit, he began telling Suspect Andrade to show his hands, he said Suspect Andrade removed a chrome handgun from his waistband and fumbled it, the handgun dropped to the ground. He said Suspect Andrade then fled on foot westbound. He said he ordered him to stop several times but he refused to comply.

> **I.A.B. Note: Deputy Flores said he had contacted Suspect Andrade on two previous occasions and knew his parole status.**

Deputy Flores said simultaneous to this, the other male with Suspect Andrade (later identified as Suspect Gonzalez), turned southbound in the driveway and began walking away from the group. Upon hearing them (deputies) yelling at Suspect Andrade to show his hands and stop, Suspect Gonzalez removed a black handgun from his front waistband and he began running south down the driveway.

> **I.A.B. Note: Deputy Flores said Suspect Gonzalez went in between the cars parked in the driveway. He followed Suspect Gonzalez to the dirt berm which he approximated to be 15-20 yards. He said he was following Suspect Gonzalez to contain. He said Suspect Gonzalez had a running start on him. He said he was not running, it was more of a fast pace.**

Deputy Flores said in his mind, Suspect Andrade no longer posed an armed threat, so he began to follow Suspect Gonzalez through the driveway and then east up a dirt berm. He said he ordered Suspect Gonzalez to drop the handgun and to stop numerous times, but he did not comply and continued to run.

Deputy Flores said as Suspect Gonzalez reached the southeast portion of the property, he reached for an opening in the fence with his left hand. He said Suspect Gonzalez turned his body to the right, faced him while raising his right arm, and pointed the handgun in his direction. Deputy Flores said he was in fear for his life, so he fired two rounds from his department issued duty weapon.

He said he ordered Suspect Gonzalez continuously to drop the handgun. He said Suspect Gonzalez turned back towards the fence and crawled away into a large bush, which is located south of the property which parallels the on ramp for the westbound 60 Freeway. Deputy Flores said due to the fact Suspect Gonzalez secreted himself in the bush, coupled with the fact he did not want to lose sight of the handgun dropped by Suspect Andrade, he elected not to follow him. He said during the shooting, he knew Deputy Torres was to the northeast of his location, so there was no cross fire. He said Deputy Torres got on the radio and established a containment of the area and he immediately recovered the handgun Suspect Andrade had dropped.

Deputy Flores said he and Deputy Torres were transported to the East Los Angeles Sheriff's Station. He said a Sheriff's K-9 unit located Suspect Andrade later in the containment. He said Suspect Gonzalez was not located in the containment. He said he and Deputy Torres were transported back to the scene, were they individually identified Suspect Andrade as the person who had dropped the handgun he had recovered.

I.A.B. Refer to Exhibit A, for the crime report written by Deputy Flores, under file # 007-13565-0277-055.

<u>Deputy Edmundo Torres, #</u> [redacted] he and Deputy Flores were driving on 3rd Street approaching [redacted] He said they were transporting a juvenile home. He said they were driving in an unmarked gray unit, when they saw two males standing east of [redacted] shop talking to a female. He said they also saw two additional males standing just east of the two males and female. He said gang members tend to congregate at the location on a nightly basis.

He said they saw the two males and female standing in the driveway east of the shop. Deputy Torres said as he stopped their patrol car closest to the two males and female, they exited their car to contact them and saw they all became startled by their presence.

He said they recognized one of the males (later identified as Suspect Andrade) and saw him reach for the front of his waistband, with his right hand as he started to walk towards the tattoo shop. He said they knew Suspect Andrade was on active parole and an Arizona Maravilla street gang member with the nickname of Capone and believed he was arming himself.

He said Deputy Flores yelled at Suspect Andrade to show his hands, Suspect Andrade removed a handgun from his waistband and fumbled it onto the ground as he took off on foot westbound and out of view.

Deputy Torres said one of the other males (later identified as Suspect Gonzalez), looked at them and began walking at a fast pace and then took off running southbound down the driveway then in a southeasterly direction. He said he saw Deputy Flores follow Suspect Gonzalez and he heard him yell for Suspect Gonzalez to drop the gun. He said he simultaneously he ran in a southeast direction through the dirt parking lot, in order to block Suspect Gonzalez' path. Deputy Torres said he saw several cars parked on the dirt lot and he did not want Suspect Gonzalez to get away from them.

I.A.B. Note: Deputy Torres said he saw Suspect Gonzalez go southeast between the cars. He said Deputy Flores was following Suspect Gonzalez quickly. He saw Deputy Flores follow Suspect Gonzalez on west side of the white truck he thinks. He said the incident evolved very quickly. He said he took cover behind a black vehicle in the dirt lot to contain Suspect Gonzalez. He said he did not put out emergent radio traffic until after the situation was under control. He said he did not want to lose sight of Deputy Flores.

Deputy Torres said as Suspect Gonzalez reached a hole in the chainlink fence that separates the dirt parking lot from the 60 Freeway, he saw Suspect Gonzalez holding a dark colored gun in his right hand. He said Suspect Gonzalez pointed the gun at Deputy Flores. He said he thought Deputy Flores was going to be shot and possibly killed, so he fired three rounds at Suspect Gonzalez with his department issued handgun.

He said he knows gang members commonly engage law enforcement personnel in shootouts, when they want to avoid apprehension. He said he saw Suspect Gonzalez go through the hole in the chainlink fence and into large bushes that parallel to the freeway and out of view. He said he put out emergent radio traffic and set up a containment. He said Deputy Flores responded back to the driveway and recovered the handgun dropped by Suspect Andrade. He said Suspect Andrade was located by the K-9 unit. He said he knew Deputy Flores was to the Southwest of his location during the shooting.

I.A.B. Note: Refer to Exhibit B, for a copy of Deputy Torres' Supplemental report under file #007-13565-0277-055.

SUSPECT'S STATEMENTS:

On November 13th, 2007, at approximately 1730 hours, Suspect Gonzalez entered the East Los Angeles Sheriff's Station lobby and attempted to have an impounded vehicle released to him. Station personnel conducted a records check on suspect Gonzalez.

The records check revealed Suspect Gonzalez was wanted for assault on a peace officer. O.S.S. Detective Carlos Lopez was advised of his arrest. He proceeded to interview Suspect Gonzalez regarding the incident that occurred on November 9, 2007.

Suspect Nathan Gonzalez said he recalled the incident that occurred on November 9, 2007. Suspect Gonzalez told Detective Lopez he and Suspect Andrade were helping his [redacted] Witness #2 [redacted] unload an air compressor off of [redacted] truck. He told Detective Lopez [redacted] truck was parked in the driveway east of [redacted]

Suspect Gonzalez told Detective Lopez suddenly a black vehicle stopped quickly on the street in front of them. Suspect Gonzalez said he did not see who was inside of the black vehicle. Suspect Gonzalez said when the door to the black vehicle started to open, his first reaction was to run away. Suspect Gonzalez told Detective Lopez he ran because he has been shot at in the past while at the tattoo shop. Suspect Gonzalez said his first reaction was to hide behind a car but when he heard two gunshots, he continued running. Suspect Gonzalez said he ran through a hole in the chain link fence and onto the 60 Freeway.

Suspect Gonzalez continued by saying he made it to the street and continued running. He said he never heard anyone yell out "stop", "freeze", "put your hands up" or "drop the gun." Suspect Gonzalez told Detective Lopez he did not have a gun that night and he did not shoot at the deputies.

I.A.B. Note: Refer to Exhibit B, for a copy of Detective Lopez' supplemental report under file #007-13565-0277-055.

Suspect Marvin Andrade, was interviewed at the East Los Angeles Sheriff's station. He said he was hanging outside of [redacted] with some friend's and his [redacted] Nathan Gonzalez. Suspect Andrade said he heard someone creep up on them, then heard one gunshot. He said he saw his [redacted] Nathan run towards the 60 Freeway.

Suspect Andrade said the deputies came up after he had heard the gunshot. Suspect Andrade said he works at [redacted] and said he had gone outside with a handgun that he had gotten from a friend who he refused to identify.

I.A.B. Note: Suspect Andrade only provided limited information in regards to Nathan Gonzalez and the person who had given him the handgun.

He said he was carrying a handgun (he described as a 40 caliber Gloc) in his right front pants pocket because something appeared to be suspicious outside. Suspect Andrade said when he saw the deputies, he attempted to pass the gun off to one of the other males who he called [redacted]

He said the gun dropped to the ground and he ran westbound to a [redacted] house. He said he was later located by the K-9 unit. He said he got bit by the dog. Suspect Andrade said he did see the two deputies go after Nathan.

NON-DEPARTMENT WITNESSES:

Witness [redacted] was interviewed at the East Los Angeles Sheriff's station on November 10, 2007. He said he was detained for a curfew violation and was being transported home by the O.S.S. Detectives. Witness [redacted] said he saw a group of guys and one girl at the tattoo shop.

He said the two guys took off together running towards the freeway. He said he heard the deputies yelling for the males to stop running. He said he heard gunshots. Witness [redacted] said he was seated in the middle section of the backseat of the O.S.S. unit and was unable to see if the two males had guns or weapons on them. He said he saw the light skin deputy with the bald head (Deputy Edmundo Torres) fire his gun approximately four times. He said he saw the other deputy pickup a gun from the ground (Deputy Joel Flores).

Witness [redacted] was interviewed by O.S.S. Detective Valdez on November 9, 2007. Witness [redacted] said he [redacted] at the [redacted] of the [redacted] He told Detective Valdez he was coming home to drop off an air compresser which was in the back of his black pick-up truck. As he pulled into his [redacted] he saw three gang member's hanging out next to the tattoo shop (area just to the east of the tattoo shop). He continued by saying since he [redacted] he knows who some of these gang members are. He told Detective Valdez one of the males hanging outside with him, was a gang member they called "El Capone" (Suspect Andrade).

He said one of the males standing next to El Capone (Suspect Andrade) was wearing a white t-shirt. He told Detective Valdez when the officers pulled up, he saw them chase the male wearing the white t-shirt towards the bushes. He said he heard two gunshots but did not see who fired the gunshots. He said after the gunshots, El Capone attempted to give him a handgun. Witness [redacted] told Detective Valdez he did not take the gun and it fell to the ground.

He said El Capone ran towards the tattoo shop out of view. Witness [redacted] told Detective Valdez the male Hispanic who ran from the officers was bald, short, had a medium build and had several tattoo's on his arms (Suspect Gonzalez). Witness [redacted] said the officer's yelled out something to the male who ran away, but he could not make it out.

I.A.B. Note: Refer to Exhibit B, for a copy of Detective Valdez' Supplemental report under file #007-13565-0277-055.

Witness [redacted] was interviewed by O.S.S. Detective Valencia on November 9, 2007. She told Detective Valencia she was inside [redacted] speaking with two males named "Capone" and "Nathan". She told him the two males excused themselves and they went outside. She told Detective Valencia while she was waiting for Capone and Nathan to return, she saw a gray police vehicle drive east past the front of the tattoo shop and suddenly stop.

She said seconds later she heard yelling, followed by four to five gunshots. Witness [redacted] said she saw Capone run west on third Street past the front of the tattoo shop. She told Detective Valencia she did not see the shooting because she remained inside the tattoo shop during the incident. She described Nathan as a male Hispanic, bald, and wearing a t-shirt.

I.A.B. Note: Refer to Exhibit B, for a copy of Detective Valencia's supplemental report under file #007-13565-0277-055.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator:	Investigator Carlos Lopez #[redacted] East Los Angeles O.S.S.
Court:	East Los Angeles Municipal Court
Charges Filed:	2 Felony counts of 245 (d) (1) PC, against Suspect Nathan Gonzalez One Felony count of 12021 (a) (1) P.C. against Suspect Andrade

PROPERTY DAMAGE:

None